

UNITED STATES DISTRICT COURT  
Northern District of California

MALQUIAS REYNOSO, *et al.*,

No. C 10-00984 MEJ

Plaintiffs,

v.

**ORDER RE PLAINTIFFS' OCTOBER  
16, 2013 FILING [Dkt. No. 138];  
ORDER TO SHOW CAUSE**

CITY AND COUNTY OF SAN FRANCISCO,  
*et al.*,

Defendants.

Pending before the Court are Defendants' Motions for Summary Judgment. Dkt. Nos. 105, 109, 114. After Plaintiffs failed to file an opposition to the Motions despite representations that oppositions briefs would be filed, on September 18, 2013, the Court issued an Order setting the opposition deadline for September 20, 2013. Dkt. No. 134. To date, no oppositions have been filed. Consequently, Defendants requested that the Court rule on the pending Motions. Dkt. Nos. 135, 136. The hearing on the Motions is currently set for October 17, 2013. Dkt. No. 137.

On October 16, 2013 – the day before the hearing date and nearly four weeks after the September 20 deadline for opposition briefs – Plaintiffs filed a Notice advising the Court and opposing counsel that they “do oppose all three motions for summary judgment filed by defendants, and will file late opposition [sic] to each motion today October 16, 2013, and will be fully prepared to argue the merits of the oppositions at the 10:00 a.m. hearing, October 17, 2013.” Dkt. No. 138 at 1-2. Plaintiffs then proceed to state that, “If the Court suggests that a motion for administrative relief is required under the circumstances, counsel will file the motion immediately. For now counsel will just summarize the circumstances that contributed to the untimeliness of the filing[.]” *Id.* at 2.

Plaintiffs' disregard of deadlines set by this Court and by the Civil Local Rules, and their strategy of selectively participating in this lawsuit will not be tolerated. Plaintiffs had ample time to

1 file an opposition brief, yet they allowed the deadline to lapse, failed to request any extension of that  
2 deadline, and are now under the impression that they may file oppositions and proceed with the  
3 hearing without allowing Defendants – who have complied with all stated deadlines – an opportunity  
4 to file a reply, unless the Court *suggests* that a motion for administrative relief is required.  
5 Construing Plaintiffs' unauthorized filing as a request for leave to file late oppositions, their request  
6 is **DENIED**. Any oppositions that Plaintiffs file will be stricken from the record.

7 The Court hereby **VACATES** the hearing set for October 17, 2013 and **ORDERS** as follows.

8 The Court **ORDERS** Plaintiffs' counsel, Mr. Keith Oliver, to show cause as to why the Court  
9 should allow Plaintiffs to file the untimely oppositions and as to why the Court should not impose  
10 sanctions against him. In filing his response to the OSC, Mr. Oliver must provide evidence  
11 substantiating any proffered explanation of obstacles that prevented him from complying with the  
12 filing deadline; his declaration – without more – will not suffice. Mr. Oliver's response to the OSC  
13 shall be filed no later than **October 24, 2013**. Defendants may file an optional response to Mr.  
14 Oliver's filing by **October 30, 2013**. The Court sets a hearing on the OSC for **October 31, 2013**, at  
15 **10:00 a.m.**, in Courtroom B

16 **IT IS SO ORDERED.**

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18 Dated: October 16, 2013

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21 Maria-Elena James  
22 United States Magistrate Judge  
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